

March 20, 1973

PRESIDENT: Gentlemen, the Chair would observe that somebody has to transcribe that exchange and that type of dialogue that goes on between two Senators is extremely difficult to transcribe, especially when two are talking at once. Now next to speak is Senator Syas, then Senator Fellman, then Senator Murphy. We're still speaking on L.B. 342.

SENATOR SYAS: Well, I just want to say a couple of little things on it. On this liability, I personally carry insurance on my home so that if a person slips on my front walk it, I'm covered. I don't see what the difference, Senator Clark, if a person slips in your office, I mean in your premises, in your industry, naturally he was hurt on the job just like a stranger coming up my front steps or going to church. I used to serve on a trustee board of the church. We carried liability because people could slip on, going to church and we were liable. I think all people are liable to a certain extent. I understand it if someone gets hurt on a child's swing in my back yard, if I have one, that I'm liable. I'm liable too if my dogs bite somebody. I mean, I don't see what their argument is there at all, Senator Clark. I might say one thing in closing. I, as I am informed, your bill does not meet Federal guidelines, 193 does and I think that's very important in this Legislature.

PRESIDENT: Chair recognizes Senator Fellman.

SENATOR FELLMAN: Would Senator Clark yield to a question?

PRESIDENT: Senator Clark, will you yield?

SENATOR FELLMAN: Did I understand you correctly, Senator, that your displeasure with 193 goes to the question that a workman can recover for injuries whether or not there was negligence?

SENATOR CLARK: Well, certainly, it can still be the negligence of another worker, not against the employer and still, the employer is the one that is stuck.

SENATOR FELLMAN: Well, then--

SENATOR CLARK: There is no negligence on the employer, it can be another worker.

SENATOR FELLMAN: But Senator Clark, isn't the fact that the entire theory of Workmen's Compensation Law which is over 60 years old in this country, is to remove negligence from the, to remove the question of negligence? Prior to the institution of Workmen's Comp, the employee had to prove that there was negligence. The whole point of Workmen's Compensation, which it seems to me you're attacking the basic theory that is 60 years in this country, isn't the entire point of Workmen's Compensation to pay an injured worker without the requirement that that worker prove that there was negligence? The issue is whether the worker was hurt in the course of his employment, isn't that correct?

SENATOR CLARK: You're absolutely right. That's the thing I disagree with. You ought to prove negligence--

SENATOR FELLMAN: --then what you're really--

SENATOR CLARK: if I've got to pay for it, you ought to prove negligence. If it's against another worker, sue him.

SENATOR FELLMAN: Then what you're really saying is not so much that you're against these two bills or either of them, but you're, that you're against 60 years of Workmen's Compensation history in this country that has provided for injured workers?